



Attorney's Docket No. 9099-2IP

PATENT

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Application of Scarantino et al.

Confirmation No.: 1156

Serial No.: 10/089,483

Group Art Unit: 3736

Filed: September 17, 2002

Examiner: Robert L. Nasser

For: METHODS, COMPUTER PROGRAM PRODUCTS, AND DEVICES FOR  
CALIBRATING CHRONICALLY TISSUE IMPLANTED SENSORS  
USING CHRONICALLY TISSUE IMPLANTED GENERATING  
ELECTRODES

Date: January 4, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF  
PRIORITY UNDER 35 U.S.C. § 120 IN ACCORDANCE WITH 37 C.F.R.  
1.78(a)(3)**

Sir:

Applicants petition for the acceptance of this revised claim of priority under 35 U.S.C. § 120 for the above-referenced patent application as follows:

This application is a national stage Continuation-in-Part Application of International PCT Application Serial No. PCT/US00/08310 filed March 29, 2000, which is a PCT Application based on and claiming priority from U.S. Patent Application No. 09/407,359 filed September 29, 1999, now U.S. Patent No. 6,402,689. The international application was published in English under PCT Article 21(2). This application is also a Continuation-in-Part of and ~~also~~ claims priority to U.S. Patent Application No. 10/078,310 (filed February 18, 2002 entitled *Methods, Systems, and Associated Implantable Devices for Dynamic Monitoring of Physiological and Biological Properties of Tumors*, which is a divisional application of U.S. Patent Application No. 09/407,359 filed September 29, 1999, now U.S. Patent No. 6,402,689, which claims priority from U.S. Provisional Patent Application No. 60/102,447 filed

September 30, 1998. The contents of all of these applications are hereby incorporated by reference as if recited in full herein.

Applicants submit that this change is being done to comply with the formal requirement that relationships between the cases listed be included in Applicants' claim for priority. An amendment to the present specification to revise the claim of priority, as well as a copy of this Petition, is being submitted to the Examiner concurrently.

The entire delay between the date this claim was due under 37 C.F.R. § 1.78(a)(2) and the date this claim was filed was unintentional. A check for \$1370.00 for the surcharge required under 37 C.F.R. § 1.17(t) is submitted herewith. This amount is believed to be correct. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

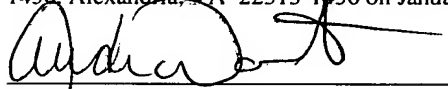


Robert N. Crouse  
Registration No. 44,635

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8 (or 1.10)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 4, 2006.



Audra Wooten